

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

MY HEALTH, INC. and
UNIVERSITY OF ROCHESTER

Plaintiffs,

vs.

CARDIOCOM, LLC

Defendant.

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Case No. 2:13-cv-136

JURY TRIAL DEMANDED

STIPULATION OF DISMISSAL WITH PREJUDICE

Plaintiffs My Health, Inc. ("My Health") and University of Rochester ("U of R") and defendant Cardiocom, LLC ("Cardiocom") stipulate that they have reached final agreement on settlement of the claims and counterclaims made in this action and all other claims or counterclaims that might have been brought relating to U.S. Patent No. 6,612,985 ("the '985 patent"), and based upon the agreement, consent and approval of the parties, through their respective attorneys, further stipulate as follows:

1. Each claim made and that could have been made by My Health and U of R against Cardiocom for infringement of the '985 patent, and each counterclaim made and that could have been made by Cardiocom against My Health and U of R with respect to the '985 patent, in this action is hereby dismissed with prejudice on the basis of the settlement reached, pursuant to Fed. R. Civ. P. 41.

2. Each party shall bear its own costs and attorneys' fees.

3. The Court shall retain jurisdiction over this matter to insure that the terms and conditions of the parties' settlement agreement are honored and enforced.

AGREED TO AND ACCEPTED BY:

/s/ C. Dale Quisenberry
C. Dale Quisenberry
dquisenberry@pqelaw.com
POLASEK, QUISENBERRY & ERRINGTON, L.L.P.
6750 West Loop South, Suite 920
Bellaire, Texas 77401
Telephone: (832) 778-6000
Facsimile: (832) 778-6010

Counsel for Plaintiffs

/s/ Daniel W. McDonald
Daniel W. McDonald
dmcdonald@merchantgould.com
Merchant & Gould P.C.
3200 IDS Center
80 South 8th Street
Minneapolis, MN 55402-2215
Telephone: (612) 336-4637
Facsimile: (612) 332-9081

Counsel for Cardiocom, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served this 27th day of January, 2014, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by, electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ C. Dale Quisenberry